

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementing a Nationwide, Broadband,	)	PS Docket No. 06-229
Interoperable Public Safety Network in the 700	)	
MHz Band	)	
	)	
	)	

**Comments**

The State of New York ("the State") hereby submits comments in response to the Federal Communication Commission's ("Commission") public notice (DA 10-1877) dated September 28, 2010.

The State has been involved in the 700 MHz process for both broadband and narrowband spectrum. The State participates in all three New York State Regional Planning Committees (RPC 8, RPC 30, RPC 55), holds 700 MHz State License WPTZ779, and has an early deployment lease agreement with the Public Safety Spectrum Trust.

The State is concerned that any changes to the 700 MHz narrowband allocations could impair or discourage deployment of 700 MHz Land Mobile Radio (LMR) systems. The State is aware of several counties and entities in New York that are planning to, or are in the process of, deploying new 700 MHz narrowband systems. Changing these allocations would have a negative impact on those users, and would surely stifle other users who are contemplating such deployments. Additionally, the State is fortunate that the Commission has afforded the opportunity to the States for a 700 MHz narrowband state license. This is a unique and versatile tool, one that the State is putting to use for tactical purposes.

In September 2010, representatives from the State attended the Canada – US Cross Border Interoperable Communications Workshop in Windsor, Ontario. During this conference, the State learned that the United States and Canada will be utilizing a harmonized set of 700 MHz interoperability channels. The State was delighted to learn this, and encourages the Commission and Industry Canada to work on harmonization of interoperability channels in other bands. However, the State is concerned that any changes to the 700 MHz band plan in the United States would derail this agreement and set border area interoperability back several years or even permanently. States along the northern border are still feeling the impact of the 2007 700 MHz realignment.

The State believes public safety is very fortunate to have several megahertz of "new" and "clean" narrowband spectrum, free of other users and services. Placing broadband operations in to that narrowband spectrum would only risk impairing this spectrum with a mismatched technology and higher noise floors, the consequences of which are unknown. This uncertainty might

not only cause underutilization of the 700 MHz narrowband block, including the interoperability channels, but also serve as a reason among users to retain existing (e.g. VHF, UHF) spectrum rather than release it back to the public safety pool.

Until broadband technologies are deployed, proven, and incorporate features necessary for public safety voice operation, narrowband LMR networks will continue to exist and remain essential.

In summary, the State urges the Commission to monitor spectrum needs as they develop and not make any realignment or other detrimental changes to the 700 MHz narrowband allocations at this time.

Respectfully submitted,



---

**Robert Barbato**  
**Deputy Director**  
**Office of Interoperable and Emergency Communications**

December 2<sup>nd</sup>, 2010

New York State Division of Homeland Security and  
Emergency Services  
State Office Campus Building 7A, Suite 710  
1220 Washington Ave  
Albany, NY 12242

1-518-322-4911